UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

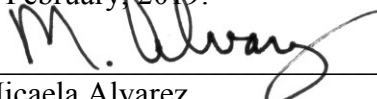|		
CARROLL RAY LYNN JR,	§	
	§	
	§	
VS.	§	CIVIL ACTION NO. M-18-162
	§	
LORIE DAVIS,	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Petitioner Carroll Ray Lynn's Motion for Class Action Certification, which had been referred to the Magistrate Court for a report and recommendation. On January 28, 2019, the Magistrate Court issued the Report and Recommendation, recommending that Petitioner's motion for class action certification be denied. The time for filing objections has passed and no objections have been filed. However, Petitioner has filed a motion requesting the case remain on the docket as a 28 U.S.C. § 2254 motion. The disposition of the motion for class action certification does not dispose of anything other than that motion. Thus, the case remains on the docket.

As to the Magistrate Judge's Report and Recommendation, pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.[1] Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Petitioner's Motion for Class Action Certification is **DENIED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 12th day of February, 2019.

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Micaela Alvarez
United States District Judge

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[1] As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)) *superceded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in* ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).